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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/724,744 | 11/28/2000 | John Thaddeus Pienkos | | 8432 |

7590 07/24/2007
John T. Pienkos
5017 N. Hollywood Ave.
Whitefish Bay, WI 53217

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| EXAMINER |
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ZURITA, JAMES H

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| ART UNIT | PAPER NUMBER |
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3625

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|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

09/724,744

Applicant(s)

PIENKOS, JOHN THADDEUS

Examiner

James H. Zurita

Art Unit

3625

All participants (applicant, applicant's representative, PTO personnel):

(1) James H. Zurita. (3) _____

(2) John Pienkos. (4) _____

Date of Interview: 13 July 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: n/a.

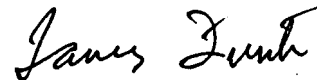
Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr Pienkos called to confirm that PTO-1449s mentioned in Terrell email of 07/05/07 (attached) had been signed and mailed. Examiner will resubmit forms PTO-1449, and will fax and mail copies to applicant. Post-allowance communication and response of 6/18/07 is not in the systems. 7/20/07, Examiner sent copy of PTO-892 citing GInter 5,892,900, as requested by Mr. Pienk be cited.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



JAMES ZURITA
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.

Examiner's signature, if required

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

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| EXAMINER |
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| ART UNIT | PAPER |
|----------|-------|

20070713

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

see attached PTO-892, citing Ginter 5,892,900.

James Zurita
JAMES ZURITA
PRIMARY EXAMINER

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Zurita, James

From: Zurita, James
Sent: Friday, July 20, 2007 11:15 AM
To: 'john pienkos'; Terrell, Kimberly
Cc: Jones, Roderick
Subject: RE: 09724744 IDS submitted 06/18/07

I've submitted a PTO-892 citing Ginter, 5,892,900.

jim zuzita

571-2726766

-----Original Message-----

From: john pienkos [mailto:jtpienkos@hotmail.com]
Sent: Friday, July 20, 2007 10:45 AM
To: Terrell, Kimberly
Cc: Jones, Roderick; Zurita, James
Subject: RE: 09724744 IDS submitted 06/18/07

Dear Ms. Terrell,

Thank you (and to Mr. Jones and Examiner Zurita) for your help in expediting the issuance of this patent. I also just received in the mail the IDS Form 1449s signed by Patent Examiner Zurita, and I have also confirmed that everything looks to be in order.

One thing I also just noticed in my copy of the file history is that U.S. Patent No. 5,892,900 to Ginter et al., which was identified by the Examiner and which was the subject of significant discussion during prosecution of the application, does not appear to be actually listed on any form 1449 submitted by the Examiner. In particular, I do not see the patent listed on the form 1449 submitted by the Examiner in his Office action of May of 2005.

Can I expect that the '900 patent will also be listed on the face of my patent when it issues? If it currently is not being so listed, can you easily correct this so that the '900 patent will be shown on the face of my patent? Of course, the last thing I want to happen is for any further delay to occur with respect to the issuance of my patent. Perhaps this could be fixed by way of a certificate of correction after the patent issues.

I would appreciate hearing back from you on this. Thank you very much,

Respectfully,

John Pienkos
Applicant, U.S. Patent Appl. No. 09/724,744

>From: "Terrell, Kimberly" <Kimberly.Terrell@USPTO.GOV>
>To: "Zurita, James" <James.Zurita@USPTO.GOV>
>CC: "john pienkos" <jtpienkos@hotmail.com>
>Subject: RE: 09724744 IDS submitted 06/18/07
>Date: Thu, 19 Jul 2007 15:16:09 -0400

>

>Thank you, Mr. Zurita.

>

> > -----Original Message-----

> > From: Zurita, James

> > Sent: Wednesday, July 18, 2007 6:37 PM

> > To: Terrell, Kimberly; 'john pienkos'
> > Subject: 09724744 IDS submitted 06/18/07
> >
> > the requested materials have been scanned and are part of the record.
> >
> > jim zurita
> > 571-272-6766
> >
> > -----Original Message-----
> > From: Terrell, Kimberly
> > Sent: Friday, July 13, 2007 3:37 PM
> > To: Zurita, James
> > Subject: RE: 09724744
> >
> > Mr. Zurita
> >
> > I still don't see the initialed 1449 pages that correspond with pages I
> listed below.
> >
> > Kim Terrell
> >
> > -----Original Message-----
> > From: Zurita, James
> > Sent: Friday, July 13, 2007 12:27 PM
> > To: Terrell, Kimberly
> > Subject: RE: 09724744
> >
> > Ms Terrell,
> >
> > please let me know that you have received these materials, so I can
> confirm with the applicant.
> >
> > jim zurita 571-272-6766
> >
> >
> > -----Original Message-----
> > From: Terrell, Kimberly
> > Sent: Thursday, July 05, 2007 1:01 PM
> > To: Zurita, James
> > Cc: Smith, Jeffrey A. (AU3625); Jones, Roderick
> > Subject: 09724744
> >
> > Mr. Zurita,
> >
> > The applicant has requested expedited issuance for this application,
> however an outstanding printer rush exists.
> >
> > The following IDS forms for this application need to be either
> initialed or lined through.
> >
> > Submitted on 12/19/06
> >
> > Page 3 of 20 begins with "Letter for Joseph Lee....."
> > Page 4 of 20 US-2006-0259315
> > Page 5 of 20 "Copy of home page of The Patent & Liscense
> Exchange....."
> > Page 6 of 20 "Copy of home page of the Intellectual Property
> Exchange...."
> > Page 7 of 20 "Copies of web pages of BTG plc....."
> > Page 8 of 20 "Copies of web pages of LPS Group....."
> > Page 9 of 20 "Brunsvold, Brioa et al, Drafting Patent License
> Agreements....."
> > Page 10 of 20 "Additional copies of web pages of LPS Group....."
> > Page 11 of 20 "Copies of pages of Patent Data Systems Ltd....."
> > Page 12 of 20 "Copy of article 'Mine Games'....."
> > Page 14 of 20 "pages from website of Miramonte
Technologies....."

> >
> >
> > The page number references above are all IFW references, not the page
> numbers listed on the documents themselves.
> >
> > If you have any questions or concerns, please contact me.
> >
> > Thank you,
> > Kimberly Terrell, Manager
> > Publications Division
>

http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT_TAGHM_migration_HM_mini_pcmag_0507